UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,387	09/08/2000	Aureliano Tan JR.	05452.002002	3461

22511 7590 07/28/2005		EXAMINER
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ART UNIT	PAPER NUMBER
2135	

SUITE 2800
HOUSTON, TX 77010

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/658,387	TAN, AURELIANO
	Examiner	**Art Unit**
	Paula W. Klimach	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _09 May 2005_.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,6-9,30,32,34 and 51-68_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,6-9,30,32,34,51-68_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _05/09_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 05/09/05. Applicant added

Claims 51-68, cancelled Claims 2-5, 10-29, 31, 33, and 35-50, and amended Claims 1, 6, 7, 8, 9,

30, 32, and 34. The amendment filed on 05/09/08 have been entered and made of record.

Therefore, presently pending claims are 1, 6-9, 30, 32, 34, and 51-68.

Response to Arguments

Applicant's arguments filed 05/09/05 have been fully considered but they are not

persuasive because of following reasons.

Applicant argued Guthery does not teach a microprocessor having a microprocessor

identity that uniquely identifies the microprocessor. The applicant does note that Guthery

teaches storing a card ID within one of the certificates stored within the card. However, the card

ID merely identifies that card and does not provide any information that would uniquely identify

the microprocessor residing in the card. This is not found persuasive. Guthery discloses a card

ID (column 7 lines 1-5) which posses as the microprocessor identity due to the fact that the card

ID belongs to the card; and therefore everything on the card and the card only has one

microprocessor (Fig. 2). It follows that the ID identifies the contents of the card and therefore

identifies the microprocessor. Even if the card ID is not a microprocessor identity, Paolini

discloses a method and apparatus is disclosed for preventing an unauthorized computer system

form using copied software of data (abstract). The system uses a CPU ID (microprocessor ID) of

a particular computer system (column 3 lines 1-5).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 53, 55, 60, 63, 65, and 68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Although the specification discloses binding the specification does not discloses binding the digital data to the microprocessor identity <u>electrically</u> (emphasis added).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 6-9, 30, 32, and 51-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthery (6,567,915) in view of Paolini et al (6,847,948 B1).

In reference to claim 1, Guthery discloses an integrated circuit device with various methods for authenticating identities and authorizing transactions based on the authenticated identities (abstract). Guthery discloses a system that comprises a microprocessor (Fig. 2 part 52). Guthery further disclose a system that comprises digital identity data wherein the digital

identity data is associated with a user of the digital identity device; a memory configured to store

at least the digital identity data (column 5 lines 7-15; column 6 lines 44-50; column 7 lines 13-

21; Fig 2 part 58). The applicant does not define indentity data bound to the microprocessor

identity; therefore the digital data of Guthery and the microprocessor identity are bound by the

virtue of them being on the same card.

Guthery discloses a card ID (column 7 lines 1-5) which posses as the microprocessor

identity due to the fact that the card ID belongs to the card; and therefore everything on the card

and the card only has one microprocessor (Fig. 2). It follows that the ID identifies the contents

of the card and therefore identifies the microprocessor. Even if the card ID is not a

microprocessor identity, Paolini discloses a method and apparatus is disclosed for preventing an

unauthorized computer system form using copied software of data (abstract). The system uses a

CPU ID (microprocessor ID) of a particular computer system (column 3 lines 1-5).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to use a microprocessor ID in the smart card of Paolini in the system of Guthery.

One of ordinary skill in the art would have been motivated to do this because the ID is a unique

quantity that can be used to prevent the use of copied software.

In reference to claims 6, 54, and 59, wherein the digital identity is for one of the group

consisting of an individual and a corporation; and wherein the digital identity at least one

selected from the group consisting of a name, a digital picture, an address, a date of birth, a

social security number, a driver's license number, a digital photograph, biometric information,

credit card information, bank account information, an incorporation name, a date and place of

incorporation, a name of a corporate officer, a corporate partner, and a database administrator

name (bank information, column 7 lines 45-47; and column 6 lines 47).

In reference to claim 7, wherein the digital identity data is bound to the microprocessor

identity using software within the digital identity devicve (Fig. 2 part 62 and 64 and column 5

lines 25-67).

In reference to claim 8, wherein the digital identity device further comprises a computer

an interface configured to enable the digital identity device to communicate with an external

device (column 4 lines 30-45).

In reference to claim 9, wherein the interface comprises an input/output port (column 5

lines 25-45).

In reference to claim 30, the method of identifying an origin of an electronic

communication comprising tagging the electronic communication to obtain a tagged

communication wherein the origin comprises a digital identity device comprising digital identity

data associated with the origin and determining the origin of the electronic communication using

the tagged communication (public and private key and certificate showing the owner column 6

lines 62-67) wherein tagging the electronic communication comprises encrypting the electronic

communication using the digital identity data and an encryption algorithm to obtain the tagged

communication (column 7 lines 1-5).

Guthery discloses a card ID (column 7 lines 1-5) which posses as the microprocessor

identity due to the fact that the card ID belongs to the card; and therefore everything on the card

and the card only has one microprocessor (Fig. 2). It follows that the ID identifies the contents

of the card and therefore identifies the microprocessor. Even if the card ID is not a

microprocessor identity, Paolini discloses a method and apparatus is disclosed for preventing an

unauthorized computer system form using copied software of data (abstract). The system uses a

CPU ID (microprocessor ID) of a particular computer system (column 3 lines 1-5).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to use a microprocessor ID in the smart card of Paolini in the system of Guthery.

One of ordinary skill in the art would have been motivated to do this because the ID is a unique

quantity that can be used to prevent the use of copied software.

In reference to claim 32, The applicant does not define "binding digital identity data," as

a result the definition of "binding the digital identity data" is constraining the microprocessor

identity device to the digital identity data with legal authority. The system of Guthery discloses

the private storage containing certificates that contain a card ID and a signature of a certifying

authority (column 6 lines 62 to column 7 line 5) therefore binding digital identity data associated

with the property to a card ID of a microprocessor operatively connected to the property.

Guthery further discloses verifying the identity of the property by querying the

microprocessor wherein the digital identity data is bound to the card Id. The card exchanges the

certificate which contains the card Id with the transaction terminal and the identities of the

authenticated user (column 7 lines 40-50).

Guthery discloses a card ID (column 7 lines 1-5) which posses as the microprocessor

identity due to the fact that the card ID belongs to the card; and therefore everything on the card

and the card only has one microprocessor (Fig. 2). It follows that the ID identifies the contents

of the card and therefore identifies the microprocessor. Even if the card ID is not a

microprocessor identity, Paolini discloses a method and apparatus is disclosed for preventing an

unauthorized computer system form using copied software of data (abstract). The system uses a CPU ID (microprocessor ID) of a particular computer system (column 3 lines 1-5).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a microprocessor ID in the smart card of Paolini in the system of Guthery. One of ordinary skill in the art would have been motivated to do this because the ID is a unique quantity that can be used to prevent the use of copied software.

In reference to claims 51 and 61, wherein the software within the digital identity device comprises operating software (Fig. 2 part 56).

In reference to claims 52, 56-57, and 62, wherein the operating software comprises a secure operating system (Fig. 2 part 56).

In reference to claims 53, 55, 58, 60, and 63, wherein the digital identity data is electrically bound to the microprocessor identity.

Guthery discloses a card ID (column 7 lines 1-5) which posses as the microprocessor identity due to the fact that the card ID belongs to the card; and therefore everything on the card and the card only has one microprocessor (Fig. 2). It follows that the ID identifies the contents of the card and therefore identifies the microprocessor. Even if the card ID is not a microprocessor identity, Paolini discloses a method and apparatus is disclosed for preventing an unauthorized computer system form using copied software of data (abstract). The system uses a CPU ID (microprocessor ID) of a particular computer system (column 3 lines 1-5).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a microprocessor ID in the smart card of Paolini in the system of Guthery.

One of ordinary skill in the art would have been motivated to do this because the ID is a unique

quantity that can be used to prevent the use of copied software.

Claims 34 and 64-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Guthery in view of Yap et al (6,111,506).

In reference to claim 34, Guthery discloses a computer having a microprocessor

containing identity information (column 5 lines 25-40 in combination with column 6 line 49 to

column 7 line 5). The system includes obtaining digital identity data from a digital identity

device operatively connected to a computer in which the electronic document is stored (Fig. 1).

Guthery discloses a system that comprises a microprocessor (Fig. 2 part 52). Guthery further

disclose a system that comprises digital identity data wherein the digital identity data is

associated with a user of the digital identity device; a memory configured to store at least the

digital identity data (column 5 lines 7-15; column 6 lines 44-50; column 7 lines 13-21; Fig 2 part

58). The applicant does not define indentity data bound to the microprocessor identity; therefore

the digital data of Guthery and the microprocessor identity are bound by the virtue of them being

on the same card.

Guthery discloses a card ID (column 7 lines 1-5) which posses as the microprocessor

identity due to the fact that the card ID belongs to the card; and therefore everything on the card

and the card only has one microprocessor (Fig. 2). It follows that the ID identifies the contents

of the card and therefore identifies the microprocessor. Even if the card ID is not a

microprocessor identity, Paolini discloses a method and apparatus is disclosed for preventing an

unauthorized computer system form using copied software of data (abstract). The system uses a

CPU ID (microprocessor ID) of a particular computer system (column 3 lines 1-5).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to use a microprocessor ID in the smart card of Paolini in the system of Guthery.

One of ordinary skill in the art would have been motivated to do this because the ID is a unique

quantity that can be used to prevent the use of copied software.

Although Guthery discloses storing information such as licenses and therefore documents

(column 6 lines 45-50) and the system has passwords (column 6 lines 62-67) and a program for

encryption (column 6 lines 25-30), Guthery does not disclose encrypting the documents

Yap discloses storing documents on the smart card. The documents are encrypted.

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to encrypt the documents as in Yap with the digital identity data of Guthery and

storing the documents on the smart card as in Guthery. One of ordinary skill in the art would

have been motivated to do this because it would discourage fougery.

In reference to claim 64, wherein the digital identity is for one of the group consisting of

an individual and a corporation; and wherein the digital identity at least one selected from the

group consisting of a name, a digital picture, an address, a date of birth, a social security number,

a driver's license number, a digital photograph, biometric information, credit card information,

bank account information, an incorporation name, a date and place of incorporation, a name of a

corporate officer, a corporate partner, and a database administrator name (bank information,

column 7 lines 45-47; and column 6 lines 47).

In reference to claims 65 and 68, wherein the digital identity data is electrically bound to the microprocessor identity.

Guthery discloses a card ID (column 7 lines 1-5) which posses as the microprocessor identity due to the fact that the card ID belongs to the card; and therefore everything on the card and the card only has one microprocessor (Fig. 2). It follows that the ID identifies the contents of the card and therefore identifies the microprocessor. Even if the card ID is not a microprocessor identity, Paolini discloses a method and apparatus is disclosed for preventing an unauthorized computer system form using copied software of data (abstract). The system uses a CPU ID (microprocessor ID) of a particular computer system (column 3 lines 1-5).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a microprocessor ID in the smart card of Paolini in the system of Guthery. One of ordinary skill in the art would have been motivated to do this because the ID is a unique quantity that can be used to prevent the use of copied software.

In reference to claim 66, wherein the software within the digital identity device comprises operating software (Fig. 2 part 56).

In reference to claims 67, wherein the operating software comprises a secure operating system (Fig. 2 part 56).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-38544.

The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK
Monday, July 25, 2005

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